

1 NATASHA E. DAUGHTREY (SBN 319975)
2 *NDaughtrey@goodwinlaw.com*
3 **GOODWIN PROCTER LLP**
4 601 South Figueroa Street
5 41st Floor
6 Los Angeles, California 90017
7 Tel.: +1 213 426 2500
8 Fax: +1 213 623 1673

9 Attorneys for *Amicus*
10 Kids in Need of Defense

11 [Additional counsel listed on signature page]

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13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION

16 JENNY FLORES, et al.,

17 Plaintiff, Case No. 2:85-CV-04544-DMG-AGR

18 v.
19 WILLIAM BARR,

20 Defendant. **EX PARTE APPLICATION FOR**
21 **LEAVE TO FILE BRIEF OF**
22 **AMICI CURIAE OF KIDS IN**
23 **NEED OF DEFENSE ET AL.**

1 Amici Curiae, Kids in Need of Defense (“KIND”), together with the Capital
2 Area Immigrants’ Rights Coalition, the Florence Immigrant and Refugee Rights
3 Project, the Immigrant Children Advocates’ Relief Efforts Coalition, the National
4 Immigrant Justice Center, the Northwest Immigrant Rights Project, and the Young
5 Center for Immigrant Children’s Rights (collectively, “Amici”), hereby request
6 leave to file the attached Proposed Brief of Amici Curiae in Support of Plaintiffs’
7 Motion to Enforce the Settlement. *See* Dkt. No. 578. A copy of the proposed brief
8 is attached hereto as Exhibit 1.

9 As required by Civil Local Rules 7-19 and 7-19.1, Amici contacted Plaintiffs
10 and Defendants to obtain their consent to Amici's filing of the brief. Plaintiffs and
11 Defendants consented to Amici's filing of this brief.

12 The Court has “broad discretion to permit individuals or entities to
13 participate in a case as amici curiae.” *Courthouse News Serv. v. Yamasaki*, No.
14 SACV 17-00126-AG (KESx), 2017 WL 3610481, at *1 (C.D. Cal. Aug. 7, 2017)
15 (internal quotation marks and citation omitted); *see Ruelas v. Muniz*, No. SACV 14-
16 01761-VBF-AFM, 2016 WL 4009953, at *1 n.1 (C.D. Cal. May 6, 2016) (“[A]
17 federal court has the inherent authority to permit or request that parties, or even
18 non-parties, file briefs illuminating the issues raised by a pleading or motion.”).

19 The Flores Settlement Agreement (the “FSA” or “Settlement”) calls for the
20 promulgation of final regulations that implement its “relevant and substantive”
21 terms and are “not inconsistent” with its terms. Settlement ¶ 9; *see* Dkt. No. 101,
22 Ex. 3 (Stipulation Extending Settlement Agreement and for Other Purposes; and
23 Order Hereon). On August 23, 2019, the Department of Homeland Security and the
24 Department of Health and Human Services published in the Federal Register a final
25 rule which is described as adopting “regulations that implement the relevant and
26 substantive terms of the FSA” (the “Final Rule”). *See* 84 FR No. 164, 44392-
27 44535 (Aug. 23, 2019).

28 Amici have a strong interest in ensuring that the FSA remains in effect until

1 it is fully and faithfully implemented by regulations. Amici are coalitions and
2 nonprofit organizations that provide legal and social services to children and
3 families in immigration proceedings. The Final Rule has a profound impact on
4 children's abilities to access vital social services and legal assistance – services that
5 Amici provide. Amici have grave concerns about the Final Rule, including but not
6 limited to the portions that pertain to redeterminations under the unaccompanied
7 alien child definition, loopholes that relax custody and transfer standards, reduced
8 due process in bond redeterminations, inadequate provisions for oversight and
9 compliance monitoring, and the use of detention as a deterrent to future migration.

10 For these reasons, Amici submit the proposed brief to assist the Court in the
11 adjudication of Plaintiffs' motion.

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15 | Dated: August 30, 2019 GOODWIN PROCTER LLP

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By: /s/ Natasha E. Daughtrey

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Natasha E. Daughtrey
Goodwin Procter LLP
601 S. Figueroa St.
Los Angeles, CA 90017

Attorney for *Amicus*

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1 Dated: August 30, 2019

KIDS IN NEED OF DEFENSE

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3 By: Wendy Wylegala, Esq.

4 Wendy Wylegala
5 Kids in Need of Defense (KIND)
6 1251 Ave. of the Americas (c/o
7 Lowenstein Sandler LLP)
8 New York, NY 10020
9 Tel: 862-926-2069
10 Fax: 202-824-0702

11 Attorney for *Amicus* KIND

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